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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,131

05/30/2006

Patrick Cyriel Van De Voorde

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01/19/2010

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HOLLWEG, THOMAS A

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

01/19/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/581,131	Applicant(s) VAN DE VOORDE, PATRICK CYRIEL	
	Examiner Thomas A. Hollweg	Art Unit 2879	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-6 and 8-13.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/NIMESHKUMAR D. PATEL/
 Supervisory Patent Examiner, Art Unit 2879

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the objection to the drawings for not showing a lamp assembly which can be inserted into a holder in any rotational position, as described in the specification, is not appropriate. Applicant explains that the conduction member 9 would not cause a short when the lamp assembly was inserted into a holder in any rotational position because a person having ordinary skill in the art would understand that the conduction member 9 would comprise a common insulated wire with bare metal exposed only at the contact member 20. It is believed that Applicant intended to explain that the conduction member 9 would only be exposed only at contact member 10, not 20, as shown in figure 1.

The examiner respectfully disagrees with the position that one having ordinary skill in the art would understand that the conduction member 9 would comprise a common insulated wire. Neither the specification, nor the drawings, as originally filed describes any conduction member as comprising a common insulated wire. Further, it would not seem reasonable to use an insulated wire for the portion of the conduction member 9 which runs along side the discharge lamp because of the heat which the insulation would be exposed to. Also, Applicant's argument does not explain the issue that even if conduction member 9 comprised a common insulated wire, if the lamp assembly shown in figure 1 were inserted into a rotationally symmetrical holder in any rotational position, the conduction member 9 would be pinched against the contact member 20 interfering with the seating of contact member 20 against a corresponding rotationally symmetrical contact member in the holder.

Applicant further argues against the 35 U.S.C. § 103(a) rejections over prior art reference Marien (U.S. 5,698,936) because fixation means 25 and 27 are not provided in the opening through which the first end portion of the discharge lamp extends. Applicant cites the text of the Final Office Action which states "the first end portion of the discharge lamp (30) extends through an opening (between 4 and 5) provided in the center section of the reflector (1). Applicant's argument relies on the incorrect presumption that the above cited text means that the entire opening is between 4 and 5. It is clear from figure 1 of Marien that there is an opening provided in the center section of the reflector 1 which begins where the beam-forming portion 4 meets the neck portion 5. The opening extends downwardly through the neck portion 5. Applicant's argument is inconsistent with what is clearly shown in figure 1.

Further it is understood from the context of the above citation the Final Office Action that the note "between 4 and 5" identifies the area of the opening through which the first end portion of the discharge lamp extends. The note was included for Applicant's convenience and to clarify the record as to the relationship between the first end portion of the discharge lamp and the opening, and was not intended to describe the entire opening. Contrary to Applicant's argument, figure 1 of Marien clearly shows the fixation means 25 and 27 provided in the opening through which the first end portion of the discharge lamp extends. As previously explained, the opening is provided in the center section of the reflector 1, begins where 4 and 5 meet, and extends through 5. For these reasons applicant's arguments are not found to be convincing.